

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

JOHN GUIDRY	*	CIVIL ACTION NO. 6:21-cv-3994
	*	
	*	
VERSUS	*	DISTRICT JUDGE SUMMERHAYS
	*	
	*	
NOBLE DRILLING (U.S.) LLC ET. AL.	*	MAGISTRATE JUDGE HANNA

**SHELL OIL COMPANY AND SHELL OFFSHORE INC.'S  
ANSWER TO PLAINTIFF'S PETITION FOR DAMAGES**

NOW COME defendants, Shell Oil Company and Shell Offshore Inc. (hereafter collectively referred to as “the Shell entities”), and, for answer to the Petition for Damages (“Petition”) of Plaintiff, John Guidry, aver as follows:

**First Defense**

The Petition fails to state a claim or cause of action against the Shell entities upon which relief may be granted.

**Second Defense**

AND NOW, answering the specific allegations of the Petition, the Shell entities aver as follows:

1.

Paragraph 1 of the Petition makes no allegations against the Shell entities and therefore no answer is required.

2.

The allegations of Paragraph 2 of the Petition are legal conclusions for which no answer is required. However, to the extent an answer is required, the Shell entities deny the allegations of Paragraph 2.

3.

The allegations of Paragraph 3 of the Petition are legal conclusions for which no answer is required. However, to the extent an answer is required, the Shell entities admit that venue is proper in this Court.

4.

The Shell entities deny the allegations in Paragraphs 4 through 11 of the Petition for lack of sufficient information to justify a belief as to the truth thereof.

5.

The Shell entities admit the allegations of Paragraphs 12 and 13 of the Petition to the extent that the Shell Entities are Delaware corporations with their principal places of business in Texas and that their registered agent for service of process in Louisiana is CT Corporation System in Baton Rouge, Louisiana. The Shell entities deny the remaining allegations of Paragraphs 12 and 13.

6.

The Shell entities deny the allegations in Paragraph 14 of the Petition for lack of sufficient information to justify a belief as to the truth thereof.

7.

To the extent the allegations in Paragraphs 15 and 16 of the Petition are directed against the Shell entities, those allegations are denied.

8.

The Shell entities deny the allegations in Paragraph 17 of the Petition for lack of sufficient information to justify a belief as to the truth thereof.

9.

To the extent the allegations in Paragraphs 18 through 21 of the Petition are directed against the Shell entities, those allegations are denied.

10.

The Shell entities deny the allegations in Paragraphs 22 and 23 of the Petition for lack of sufficient information to justify a belief as to the truth thereof.

11.

To the extent the allegations in Paragraphs 24 through 28 of the Petition are directed against the Shell entities, those allegations are denied.

12.

The allegations of Paragraph 29 of the Petition are legal conclusions for which no answer is required. However, to the extent an answer is required, the Shell entities deny the allegations of Paragraph 29.

13.

The Shell entities deny all remaining allegations in the Petition including all allegations contained in any unnumbered or misnumbered paragraphs, including the Prayer for Relief.

**Third Defense**

Plaintiff's damages (if any) were caused solely by the fault of plaintiff, third persons, parties, contractors, or entities for whom the Shell entities are not legally responsible.

**Fourth Defense**

Alternatively, the Shell entities affirmatively aver that in the event that they are found negligent or otherwise at fault in any way for plaintiff's injuries, which is expressly denied, then the other acts or omissions of plaintiff or third persons, parties, contractors, or entities for whom the Shell entities are not legally responsible were the sole intervening or superseding causes of plaintiff's alleged accident and plaintiff's alleged damages.

**Fifth Defense**

Alternatively, the Shell entities affirmatively aver that in the event that they are found liable in any way to plaintiff, which is denied, any liability on the Shell entities' part is merely joint liability and not joint and several (nor *in solido*) with the liability of other parties or nonparties for whom the Shell entities are not responsible.

**Sixth Defense**

The plaintiff's alleged damages were the result of an unavoidable accident or other circumstances beyond the Shell entities' control.

**Seventh Defense**

In the further alternative, the Shell entities aver that plaintiff's injuries, if any, were the result of prior accidents or injuries or preexisting conditions for which the Shell entities are not responsible.

**Eighth Defense**

The Shell entities plead Act of God or *force majeure* as a complete defense to all claims and causes of action set forth asserted in the Petition.

**Ninth Defense**

The Shell entities reserve the right to assert additional affirmative defenses as those defenses become known through the course of discovery and further reserves the right to adopt the affirmative defenses raised by all other defendants.

WHEREFORE, Shell Oil Company and Shell Offshore Inc. pray that this Answer be deemed good and sufficient and, after due proceedings, the plaintiff's claims against Shell Oil Company and Shell Offshore Inc. be dismissed, with prejudice, at their costs and for all other legal, equitable and other relief to which Shell Oil Company and Shell Offshore Inc. are entitled.

Respectfully submitted,

/s/ Alexander J. Baynham

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*Attorneys for Defendants Shell Oil Company and  
Shell Offshore Inc.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 24, 2021, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to CM/ECF participants. I further certify that I forwarded the foregoing document and the notice of electronic filing by facsimile to non-CM/ECF participants.

/s/ Alexander J. Baynham